

Bill No. SB 876

Barcode 412900

CHAMBER ACTION

Senate

House

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The Committee on Education (Baker) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1002.395, Florida Statutes, is created to read:

1002.395 K-12 GI Bill Program.--

(1) DEFINITIONS.--For purposes of this section:

(a) The term "active-duty member" means an active-duty member of the Florida National Guard who is serving in Operation Enduring Freedom or Operation Iraqi Freedom.

(b) The term "dependent" means a dependent of an active-duty member of the Florida National Guard who is serving in Operation Enduring Freedom or Operation Iraqi Freedom.

Bill No. SB 876

Barcode 412900

1 (2) PURPOSE.--The purpose of this section is to:

2 (a) Recognize, honor, and reward the courage and
3 sacrifices made by an active-duty member of the Florida
4 National Guard who is serving in Operation Enduring Freedom or
5 Operation Iraqi Freedom, and his or her family.

6 (b) Expand educational opportunities for children who
7 are dependents of an active-duty member.

8 (c) Provide a new benefit to an active-duty member by
9 giving such an individual the option to choose his or her
10 children's education.

11 (3) THE K-12 GI BILL PROGRAM.--The K-12 GI Bill
12 Program is established as a benefit to an active-duty member
13 which provides the option for his or her dependents to attend
14 a public school in the school district other than the one to
15 which assigned, to receive a K-12 GI Bill to attend a public
16 school in an adjacent school district, or to receive a K-12 GI
17 Bill to attend an eligible private school of his or her
18 choice.

19 (4) K-12 GI BILL ELIGIBILITY.--The parent of a student
20 who is a dependent of an active-duty member may request and
21 receive from the state a K-12 GI Bill for the child to enroll
22 in and attend an eligible private school if the parent has
23 notified the school district that the student is a dependent
24 of an active-duty member; has obtained acceptance for
25 admission of the student to a private school that is eligible
26 for the program under subsection (6); and has notified the
27 school district of the request for a K-12 GI Bill at least 60
28 days before the date of the first K-12 GI Bill payment. The
29 parental notification must be through a communication directly
30 to the district or through the Department of Education to the
31 district in a manner that creates a written or electronic

Bill No. SB 876

Barcode 412900

1 record of the notification and the date of receipt of the
2 notification. A dependent child of an active-duty member is
3 not required to have been enrolled and reported by a school
4 district for funding during the preceding October and February
5 Florida Education Finance Program surveys in kindergarten
6 through grade 12, in order to be eligible to receive a
7 scholarship. This section does not apply to a student who is
8 enrolled in a school operating for the purpose of providing
9 educational services to youth in a commitment program of the
10 Department of Juvenile Justice. For purposes of continuity of
11 educational choice, the K-12 GI Bill shall remain in force
12 until the student returns to a public school or graduates from
13 high school. However, at any time, the student's parent may
14 remove the student from the private school and place the
15 student in another private school that is eligible to provide
16 educational opportunities for students whose families choose
17 to use a K-12 GI Bill under subsection (6) or may place the
18 student in a public school as provided in subsection (5).

19 (5) SCHOOL DISTRICT OBLIGATIONS.--

20 (a) A school district shall timely notify the parent
21 of each student who the school district has knowledge is a
22 dependent of an active-duty member of all options available
23 under this section and shall offer that student's parent an
24 opportunity to enroll the student in another public school
25 within the district. The parent is not required to accept this
26 offer in lieu of requesting a K-12 GI Bill for the student to
27 attend a public school in an adjacent school district or to
28 attend a private school. However, if the parent chooses to
29 enroll the student in another public school within the
30 district, the student may continue attending the public school
31 chosen by the parent until the student graduates from high

Bill No. SB 876

Barcode 412900

1 school. The option set forth in this paragraph may be
 2 exercised only on a space-available basis. However, a student
 3 who is the dependent of a parent on active-duty shall be given
 4 first priority, except that this option is not available if
 5 exercising the option would result in a violation of the
 6 constitutional class-size requirements. If the parent chooses
 7 a public school consistent with the district school board's
 8 choice plan under s. 1002.31, the school district shall
 9 provide transportation to the public school selected by the
 10 parent. The parent is responsible to provide transportation to
 11 a chosen public school that is not consistent with the
 12 district school board's plan under s. 1002.31.

13 (b) The parent of a student may choose, as an
 14 alternative, to enroll the student in and transport the
 15 student to a public school in an adjacent school district
 16 which has available space, and that school district shall
 17 accept the student and report the student for purposes of the
 18 district's funding under the Florida Education Finance
 19 Program.

20 (c) For a student in the school district who
 21 participates in the K-12 GI Bill Program whose parent requests
 22 that the student take the statewide assessments under s.
 23 1008.22, the district shall provide locations and times to
 24 take all statewide assessments.

25 (d) A school district must notify the Department of
 26 Education within 10 days after it receives notification of a
 27 parent's intent to apply for a student to receive a K-12 GI
 28 Bill.

29 (6) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
 30 provide educational opportunities for students whose families
 31 choose to use a K-12 GI Bill, a private school must be a

Bill No. SB 876

Barcode 412900

1 Florida private school, may be sectarian or nonsectarian, and
2 must:

3 (a) Demonstrate fiscal soundness by being in operation
4 for at least 2 school years or file with the Department of
5 Education a surety bond or letter of credit for the amount
6 equal to the K-12 GI Bill funds for each quarter.

7 (b) Notify the Department of Education of its intent
8 to provide educational opportunities for students whose
9 families choose to use a K-12 GI Bill. The notice must specify
10 the grade levels and services that the private school has
11 available for students attending on a K-12 GI Bill.

12 (c) Comply with the antidiscrimination provisions of
13 42 U.S.C. s. 2000d.

14 (d) Meet state and local health and safety laws and
15 codes.

16 (e) Be academically accountable to the parent for
17 meeting the educational needs of the student.

18 (f) Employ or contract with teachers who hold
19 baccalaureate or higher degrees, have at least 3 years of
20 teaching experience in public or private schools, or have
21 special skills, knowledge, or expertise that qualifies them to
22 provide instruction in subjects taught.

23 (g) Comply with all state laws relating to general
24 regulation of private schools.

25 (h) Adhere to the tenets of its published disciplinary
26 procedures before expelling a student who is attending the
27 school on a K-12 GI Bill.

28 (7) OBLIGATION OF FAMILIES CHOOSING TO USE A K-12 GI
29 BILL.--

30 (a) A parent who applies for a K-12 GI Bill to enable
31 his or her child to attend a private school is exercising his

Bill No. SB 876

Barcode 412900

1 or her parental option to place his or her child in a private
2 school. The parent must select the private school and apply
3 for the admission of his or her child.

4 (b) If the parent chooses the private-school option
5 and the student is accepted by the private school pending the
6 availability of a space for the student, the parent of the
7 student must notify the school district at least 60 days
8 before the date of the first K-12 GI Bill payment and before
9 the student enters the private school in order to be eligible
10 for the K-12 GI Bill when a space becomes available for the
11 student in the private school.

12 (c) Any student attending a private school on a K-12
13 GI Bill must remain in attendance throughout the school year,
14 unless excused by the school for illness or other good cause,
15 and must comply fully with the school's code of conduct.

16 (d) The parent of each student attending a private
17 school on a K-12 GI Bill must comply fully with the private
18 school's parental-involvement requirements unless excused by
19 the school for illness or other good cause.

20 (e) If the parent requests that the student attending
21 a private school on a K-12 GI Bill take all statewide
22 assessments required pursuant to s. 1008.22, the parent is
23 responsible for transporting the student to the assessment
24 site designated by the school district.

25 (f) Upon receipt of a K-12 GI Bill warrant, the parent
26 to whom the warrant is made must restrictively endorse the
27 warrant to the private school for deposit into the account of
28 the private school.

29 (g) Any failure to comply with this subsection results
30 in forfeiture of the K-12 GI Bill.

31 (8) K-12 GI BILL FUNDING AND PAYMENT.--

Bill No. SB 876

Barcode 412900

1 (a) The amount of a K-12 GI Bill provided to any child
2 for any single school year may not exceed the following annual
3 limits:

4 1. Three thousand six hundred dollars or the amount of
5 tuition and fees, whichever is less, for a K-12 GI Bill
6 awarded to a student enrolled in an eligible private school.

7 2. Five hundred dollars, or the amount of
8 transportation expenses, whichever is less, for a K-12 GI Bill
9 awarded to a student enrolled in a Florida public school that
10 is located outside the school district in which the student
11 resides.

12 (b) If a participating private school requires partial
13 payment of tuition before the start of the academic year to
14 reserve space for students admitted to the school, that
15 partial payment may be paid by the Department of Education
16 before the first quarterly payment of the year in which the
17 K-12 GI Bill is awarded, up to a maximum of \$1,000, and
18 deducted from subsequent K-12 GI Bill payments. If a student
19 decides not to attend the participating private school, the
20 participating private school must return the partial
21 reservation payment to the Department of Education. There is a
22 limit of one reservation payment per student per year.

23 (c) The school district shall report all students who
24 are attending a private school on a K-12 GI Bill. The students
25 attending private schools on K-12 GI Bills shall be reported
26 separately from other students reported for purposes of the
27 Florida Education Finance Program.

28 (d) Following notification on July 1, September 1,
29 December 1, or February 1 of the number of students attending
30 private schools on K-12 GI Bills, the Department of Education
31 shall transfer, from general revenue funds only, the amount of

Bill No. SB 876

Barcode 412900

1 the K-12 GI Bills from the school district's total funding
2 entitlement under the Florida Education Finance Program to a
3 separate account for the K-12 GI Bills for quarterly
4 disbursement to the parents of K-12 GI Bill students. For
5 purposes of this paragraph, the term school district means the
6 school district in which the parent resides at the time of the
7 scholarship request. When a student enters a private school on
8 a K-12 GI Bill, the Department of Education must receive all
9 documentation required for the student's K-12 GI Bill,
10 including the private school's and student's fee schedules, at
11 least 30 days before the first quarterly K-12 GI Bill payment
12 is made for the student. The Department of Education may not
13 make any retroactive payments.

14 (e) Upon proper documentation reviewed and approved by
15 the Department of Education, the Chief Financial Officer shall
16 make K-12 GI Bill payments in four equal amounts no later than
17 September 1, November 1, February 1, and April 15 of each
18 academic year in which the K-12 GI Bill is in force. The
19 initial payment for attendance at a private school shall be
20 made after Department of Education verification of admission
21 acceptance, and subsequent payments shall be made upon
22 verification of continued enrollment and attendance at the
23 private school. Payment must be by individual warrant made
24 payable to the student's parent and mailed by the Department
25 of Education to the private school of the parent's choice, and
26 the parent shall restrictively endorse the warrant to the
27 private school for deposit into the account of the private
28 school.

29 (9) LIABILITY.--The state is not liable for any loss
30 based on the award or use of a K-12 GI Bill.

31 (9) RULES.--The State Board of Education may adopt

Bill No. SB 876

Barcode 412900

1 rules under ss. 120.536(1) and 120.54 to administer this
 2 section. However, the inclusion of eligible private schools
 3 within options available to Florida public school students
 4 does not expand the regulatory authority of the state, its
 5 officers, or any school district to impose any additional
 6 regulation of private schools beyond those reasonably
 7 necessary to enforce requirements expressly set forth in this
 8 section.

9 Section 2. Paragraphs (a) and (b) of subsection (6) of
 10 section 1002.20, Florida Statutes, are amended to read:

11 1002.20 K-12 student and parent rights.--Parents of
 12 public school students must receive accurate and timely
 13 information regarding their child's academic progress and must
 14 be informed of ways they can help their child to succeed in
 15 school. K-12 students and their parents are afforded numerous
 16 statutory rights including, but not limited to, the following:

17 (6) EDUCATIONAL CHOICE.--

18 (a) Public school choices.--Parents of public school
 19 students may seek whatever public school choice options that
 20 are applicable to their students and are available to students
 21 in their school districts. These options may include
 22 controlled open enrollment, lab schools, charter schools,
 23 charter technical career centers, magnet schools, alternative
 24 schools, special programs, advanced placement, dual
 25 enrollment, International Baccalaureate, early admissions,
 26 credit by examination or demonstration of competency, the New
 27 World School of the Arts, the Florida School for the Deaf and
 28 the Blind, and the Florida Virtual School. These options may
 29 also include the public school choice options of the
 30 Opportunity Scholarship Program, ~~and~~ the McKay Scholarships
 31 for Students with Disabilities Program, and the K-12 GI Bill

Bill No. SB 876

Barcode 412900

1 Program.

2 (b) Private school choices.--Parents of public school
3 students may seek private school choice options under certain
4 programs.

5 1. Under the Opportunity Scholarship Program, the
6 parent of a student in a failing public school may request and
7 receive an opportunity scholarship for the student to attend a
8 private school in accordance with the provisions of s.
9 1002.38.

10 2. Under the McKay Scholarships for Students with
11 Disabilities Program, the parent of a public school student
12 with a disability who is dissatisfied with the student's
13 progress may request and receive a McKay Scholarship for the
14 student to attend a private school in accordance with the
15 provisions of s. 1002.39.

16 3. Under the K-12 GI Bill Program, the parent of a
17 public school student who is a dependent of an active-duty
18 member as defined in s. 1002.395(1) may request and receive a
19 K-12 GI Bill for the student to attend a private school in
20 accordance with s. 1002.395.

21 ~~4.3.~~ Under the corporate income tax credit scholarship
22 program, the parent of a student who qualifies for free or
23 reduced-price school lunch may seek a scholarship from an
24 eligible nonprofit scholarship-funding organization in
25 accordance with the provisions of s. 220.187.

26 Section 3. This act shall take effect upon becoming a
27 law.

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30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

Bill No. SB 876

Barcode 412900

1 Delete everything before the enacting clause

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3 and insert:

4 A bill to be entitled

5 An act relating to educational choice programs;

6 creating s. 1002.395, F.S.; establishing the K-12 GI

7 Bill Program to provide educational options for

8 dependents of an active-duty member of of the Florida

9 National Guard who is serving in Operation Enduring

10 Freedom or Operation Iraqi Freedom; providing that a

11 student may attend a public school in the school

12 district other than the one to which assigned;

13 providing that a student may receive a K-12 GI Bill to

14 attend a public school in an adjacent school district

15 or to attend a private school; providing K-12 GI Bill

16 eligibility requirements; providing school district

17 obligations; providing private school eligibility

18 requirements; providing obligations of families

19 choosing the private school option; providing for the

20 amount, funding, and payment of a K-12 GI Bill;

21 exempting the state from liability; authorizing State

22 Board of Education rules; amending s. 1002.20, F.S.,

23 relating to student and parent rights to educational

24 choice, to conform; providing an effective date.

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